

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP NO.19133 of 2006

DATE OF DECISION: December 4, 2006

Deepika

....Petitioner

VERSUS

State of Punjab and others

....

Respondents

CORAM:- HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S. BHALLA

PRESENT: Shri V.S.Rana, Advocate for the petitioner.

Viney Mittal,J.(Oral).

Concededly, the petitioner has not passed her social studies subject in her matriculation examination, inasmuch as, she had obtained only 8 marks out of 100 marks. She claims that she was entitled to be admitted to Elementary Teachers Training Diploma Course by the State Government of Punjab. However, as per the additional condition stipulated in the notification dated September 26, 2006, Annexure P.6, a candidate was required to pass every subject in class 10th examination, failing which he/she was not to be treated as eligible to apply. In these circumstances, the petitioner has challenged the aforesaid additional condition in the notification.

Firstly, notification was issued on September 26, 2006 much prior to the commencement of the admission process. At no point of time, the petitioner had challenged the aforesaid eligibility condition. Secondly, the challenge made by the petitioner is also

without any justification, inasmuch as, the petitioner claims that the aforesaid condition can apply prospectively and not retrospectively.

We fail to understand how the aforesaid contention can have any merit. The aforesaid additional condition stipulated in the notification, Annexure P.6, is to apply to the admission process started with effect from September 2, 2006 and cannot be treated to be operating retrospectively, in any manner.

Dismissed.

(Viney Mittal)
Judge

December 4, 2006
KD

(H.S. Bhalla)
Judge